

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

KONINKLIJKE PHILIPS N.V. and)	
IP2IPO INNOVATIONS, LTD.,)	
)	
Plaintiffs,)	
)	C.A. No. 24-206-CFC
v.)	
)	
OPSENS INC., OPSSENS MEDICAL,)	
OPSENS MEDICAL INC., and)	
HAEMONETICS CORPORATION,)	
)	
Defendants.)	

JOINT CLAIM CONSTRUCTION CHART

Pursuant to paragraph 15 of the Court’s Scheduling Order (D.I. 18), Plaintiffs Koninklijke Philips N.V. and IP2IPO Innovations, Ltd. (“Plaintiffs”) and Defendants OpSens Inc., OpSens Medical, OpSens Medical Inc., and Haemonetics Corporation (“Defendants”) submit this Joint Claim Construction Chart for U.S. Patent No. 10,912,463 (the ’463 patent”) (attached as Exhibit A).

I. AGREED-UPON CONSTRUCTIONS

Term for construction	Agreed-upon construction
a cardiac cycle Claims: 1, 5-6, 11, 18-19, 26, 52-54	“at least one cardiac cycle”

II. DISPUTED CONSTRUCTIONS

'463 Patent Claim Term/Phrase	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
calculate a pressure ratio Claims: 1, 26 calculate a pressure ratio for a diagnostic window of a cardiac cycle Claim: 11	No construction required. Alternatively: “calculate a ratio of pressure measurements” (Claims 1, 26) “calculate a ratio of pressure measurements for a diagnostic window of a cardiac cycle” (Claim 11) Intrinsic Evidence: <u>'463 Patent:</u> <ul style="list-style-type: none"> • Claims: 1, 11, 20-33 • Figures: 8, 11, 13, 16-28, 30-35 • Specification: 2:1-67; 12:30-13:5; 14:22-60; 18:1-19:67; 24:7-54; 25:5-67; 26:1-67; 27:1-67; 28:1-67; 	“calculate a pressure ratio for a diagnostic window of only one cardiac cycle” Intrinsic Evidence: <u>'463 Patent:</u> <ul style="list-style-type: none"> • Claims: 1, 11, 20-22, 26, 28-30 • Figures: 8, 11, 13, 28, 30, 31 • Specification: 2:36-46; 12:54-58; 12:62-13:5; 14:37-60; 16:9-17; 18:5-8; 18:28-43; 19:10-27; 22:28-30; 25:31-38; 27:19-32; 27:56-60; 29:4-5; 29:65-30:14; 30:15-39; 31:4-8 <u>'463 Patent File History:</u> <ul style="list-style-type: none"> • 10/5/2020 Notice of Allowance

'463 Patent Claim Term/Phrase	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
	<p>29:1-67; 30:1-67; 31:1-33</p> <p><u>'463 Patent File History:</u></p> <ul style="list-style-type: none"> • 2016-09-13 Office Action Response • 2017-01-11 Non-Final Rejection • 2017-05-03 Applicant Summary of Interview with Examiner • 2017-05-08 Office Action Response • 2017-09-19 Non-Final Rejection • 2017-12-09 Office Action Response • 2020-06-25 Non-Final Rejection • 2020-08-28 Examiner Summary of Interview with Applicant • 2020-09-21 Office Action Response • 2020-10-05 Notice of Allowance <p>Any intrinsic evidence cited to or relied upon by Defendants</p>	<ul style="list-style-type: none"> • 6/25/2020 Office Action • 12/19/2017 Office Action Response • 5/8/2017 Office Action Response • 9/13/2016 Office Action Response
output . . . the calculated pressure ratio	<p>No construction required.</p> <p>Alternatively:</p>	<p>“output . . . the pressure ratio calculated for a diagnostic window of only one cardiac cycle, where the pressure</p>

'463 Patent Claim Term/Phrase	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
Claims: 1, 11, 26	<p data-bbox="524 289 963 363">"output the calculated ratio of pressure measurements"</p> <p data-bbox="524 415 824 447">Intrinsic Evidence:</p> <p data-bbox="524 499 727 531"><u>'463 Patent:</u></p> <ul data-bbox="581 546 963 972" style="list-style-type: none"> • Claims: 1, 11, 20-33 • Figures: 8, 11, 13, 16-28, 30-35 • Specification: 2:1-67; 12:30-13:5; 14:22-60; 18:1-19:67; 24:7-54; 25:5-67; 26:1-67; 27:1-67; 28:1-67; 29:1-67; 30:1-67; 31:1-33 <p data-bbox="524 1024 922 1056"><u>'463 Patent File History:</u></p> <ul data-bbox="581 1071 963 1885" style="list-style-type: none"> • 2016-09-13 Office Action Response • 2017-01-11 Non-Final Rejection • 2017-05-03 Applicant Summary of Interview with Examiner • 2017-05-08 Office Action Response • 2017-09-19 Non-Final Rejection • 2017-12-09 Office Action Response • 2020-06-25 Non-Final Rejection • 2020-08-28 Examiner Summary of Interview with 	<p data-bbox="995 289 1435 741">ratio is calculated only as an average of the plurality of distal pressure measurements obtained during the diagnostic window divided by an average of the plurality of proximal pressure measurements obtained during the diagnostic window without additional calculation"</p> <p data-bbox="995 804 1295 835">Intrinsic Evidence:</p> <p data-bbox="995 888 1182 919"><u>'463 Patent:</u></p> <ul data-bbox="1044 934 1435 1528" style="list-style-type: none"> • Claims 1, 11, 26 • Figures 31-32, 34-35 • Specification: 2:36-50; 12:54-58; 12:62-13:5; 13:16-42; 13:57-64; 14:37-60; 15:11-27; 16:9-17; 16:53-67; 18:5-8; 18:28-43; 19:10-27; 22:28-30; 25:31-38; 25:47-60; 27:19-32; 27:56-28:30, 29:4-5; 29:65-30:14; 30:15-39; 31:4-8; 31:13-19 <p data-bbox="995 1581 1385 1612"><u>'463 Patent File History:</u></p> <ul data-bbox="1044 1627 1435 1885" style="list-style-type: none"> • 9/21/2020 Office Action Response • 8/28/2020 Office Action Appendix • 8/25/2020 Proposed Interview Agenda

'463 Patent Claim Term/Phrase	Plaintiffs' Proposed Construction	Defendants' Proposed Construction
	<p>Applicant</p> <ul style="list-style-type: none"> • 2020-09-21 Office Action Response • 2020-10-05 Notice of Allowance <p>Any intrinsic evidence cited to or relied upon by Defendants</p>	<ul style="list-style-type: none"> • 6/25/2020 Office Action • 6/21/2017 Information Disclosure Statement • 5/8/2017 Office Action Response • 5/3/2017 Applicant Initiated Interview Summary • 1/11/2017 Office Action • 9/13/2016 Office Action Response

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Respectfully submitted,

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